



DEPARTMENT OF THE ARMY
HEADQUARTERS, UNITED STATES ARMY GARRISON
BLDG 237, B AVE, P.O. Box 105021
FORT IRWIN, CA 92310-5000

IMNT-ZA

APR 14 2014

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: United States Army Garrison, Fort Irwin and the National Training Center
Policy #6, Registration of Sex Offenders on Fort Irwin

1. Purpose: To establish an installation policy on the identification of, assessment of, and process for determining the extent of access by registered sex offenders on Fort Irwin.
2. Applicability: This policy applies to all registered sex offenders personnel entering Fort Irwin.
3. References:
 - a. AR 27-10, Military Justice, 03 October 2011
 - b. AR 190-45, Law Enforcement Reporting, 30 March 2007
 - c. California Penal Code Section 209
 - d. Title 5 USC 552, The Freedom of Information Act
 - e. Title 10 USC, Chapter 47, Uniform Code of Military Justice (UCMJ)
 - f. Title 18 USC 1382, Entering Military, Navel, or Coast Guard Property
4. Policy: All individuals regardless of who reside on, work at, or visit the installation for any reason and are subject to registration as a sex offender in any state or territory will immediately report to and register with the Fort Irwin Military Police Department. The Fort Irwin Police will:
 - a. Collect from the individual their full name, current address, phone number, a statement of the nature of all sex offenses, the dates of all sex offenses, the county in which the offender has registered, and any other info necessary for the process of determining permissible access to the installation.
 - b. Verify the individual has registered with the appropriate law enforcement agency. If the individual resides or will reside on the installation, ensure that the California Department of Justice internet website has been updated to reflect the individual's address on the installation.

IMNT-ZA

SUBJECT: United States Army Garrison, Fort Irwin and the National Training Center
Policy #6, Registration of Sex Offenders on Fort Irwin.

c. If the individual is a visitor to Fort Irwin California (FICA), require the individual to be escorted at all times by another individual who possesses a Common Access Card (CAC) until the final access determination per paragraph 6 below is made.

d. If the individual is a Civilian employee, he/she should not be issued a CAC until a final determination is made concerning their employment. In addition, they will be escorted on post by a CAC holder until that final determination is made.

e. If the individual is a Family Member, they must be escorted by an adult member of the family anywhere on post until final determination is made.

f. If the individual is a retiree, normally (unless circumstances as outlined in paragraph 5 are noted) they should be restricted to the most direct route to and from the medical hospital, clinic, Defense Commissary Agency (DeCA) or Exchange facilities.

g. If the individual is an active duty service member stationed on FICA, immediately coordinate with the Soldier's chain of command and Garrison Commander to ensure they are fully aware of the nature of the Soldier's conviction and registration requirements.

5. Based on the information furnished by the individual and obtained from the outside agencies and/or websites, the Director of Emergency Services will forward a packet with the following information through Staff Judge Advocate (SJA) to the Garrison Commander with a recommendation for one of the following:

a. Barment. If it is determined that unaccompanied access the individual on the installation under any circumstances poses a threat to the community a recommendation for post bar will be initiated.

b. Escort. If it is determined that unaccompanied access on the installation poses a threat to the community a recommendation to require escort at all times by a CAC-holder will be made.

c. Limited Access. If it is determined that individual poses little threat to the community if access is restricted to specified areas (e.g. Exchange, Commissary, Weed Army Community Hospital etc.) a recommendation of limited access will be made.

d. Full Access: If it is determined that the individual poses no threat to the community a recommendation to allow full access will be made.

6. In serious or time sensitive cases where an immediate decision to bar is warranted, the Director of Emergency Services may notify the Garrison Commander for a preliminary verbal decision.

IMNT-ZA

SUBJECT: United States Army Garrison, Fort Irwin and the National Training Center Policy #6, Registration of Sex Offenders on Fort Irwin.

7. The Garrison Commander will be the final adjudicating authority for the above action except when the offender is an active duty military member or Family Member whose chain of command falls outside of Fort Irwin. For cases involving Family Members, the packets will be reviewed by the Garrison Commander and forwarded with a recommendation to the Senior Mission Commander for adjudication. For cases involving active duty military personnel, the service member's Commander, in coordination with SJA, will determine the scope of access on the installation. Commanders should consider limiting the service member's activities on the installation to the extent necessary to protect the residents of the community. Examples include denying access to schools, day care centers, playgrounds, pools, and other locations where potential victims are present in high concentration.

8. If the registered sex offender requests to an appeal to a decision to deny or limit his or her access to the installation, the individual may submit a quest for an appeal of the decision in writing thru the Directorate of Emergency Services (DES), Fort Irwin Police Admin section to the appropriate Commander. The request must contain the applicant's full name, address, phone number, a statement of the nature of all offenses, the county in which the offender has previously registered, and a brief statement of the reason for which the appeal is sought. The person seeking the appeal must abide by the original decision and any conditions set forth in the decision until the appeal action is complete.

9. Visitors or contractors who are found on the installation in violation of this policy will be removed from the installation and denied re-entry until given approval by the Garrison Commander. Such individuals may be process for a bar or warning letter. Civilian employees who violate this policy may face adverse administrative action. Military personnel who violate this policy may face adverse administrative action or be subject to action under the Uniformed Code of Military Justice (UCMJ).

10. Regardless of where the sex offenses or conviction occurred, offenders residing in California for more than fourteen days must register with the County Sheriff of the county in which they reside. Those failing to comply with any of the registration requirements may be criminally prosecuted by the State of California.

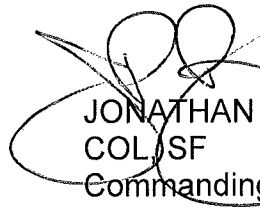
11. An individual whose conviction of a sex offense is reversed on appeal is not required to register with the Fort Irwin Police Department. If a restriction has already been placed on the individual before the reversal on appeal, the Garrison Commander or his designee will review the status of the individual's access to Fort Irwin.

IMNT-ZA

SUBJECT: United States Army Garrison, Fort Irwin and the National Training Center
Policy #6, Registration of Sex Offenders on Fort Irwin.

12. The DES will disclose necessary relevant information regarding registered sex offenders to Department of Defense (DoD) employees on a need to know basis. This may include, but is not limited to the managers and workers at DoD operated day care facilities, libraries, recreation facilities.

13. The proponent for this policy letter is the Directorate of Emergency Services at 380-1258.



JONATHAN P. BRAGA
COL USF
Commanding